L 4CO 5/7/2 #4 03C0

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

JAVITT, Dr. daniel c., et al.

Appln. No.: 10/059,362

Confirmation No.: 8660 Group Art Unit: Not Yet Assigned

Filed: January 31, 2002 Examiner: Not Yet Assigned

For: GLYCINE SITE FULL AGONIST FOR TREATING A PSYCHOSIS

SECOND PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination, please amend the above-identified application as follows:

IN THE CLAIMS:

Please cancel claim 9 without prejudice or disclaimer.

Please add the following new claims:

10. A pharmaceutical composition comprising (i) at least one agonist of the glycine site of a NMDA receptor and (ii) a second therapeutic agent selected from the group consisting of antipsychotics, wherein

the agonist is selected from the group consisting of D-serine and a precursor of D-serine.

11. The pharmaceutical composition of claim 10 wherein the antipsychotic is selected from the group consisting of thioridazine, clozapine and chlorpromazine.

12. A method for treating a psychosis characterized by dysfunction or dysregulation of NMDA neurotransmission in a patient, the method comprising administering to the patient

diagnosed as suffering from the psychosis a therapeutically effective amount of an agonist of the glycine site of a NMDA receptor wherein the agonist is selected from the group consisting of D-serine and a precursor of D-serine.

13. The method of claim 12 wherein the psychosis is schizophrenia.

14. The method of claim 13 wherein the agonist is D-serine.

REMARKS

Entry is respectfully requested.

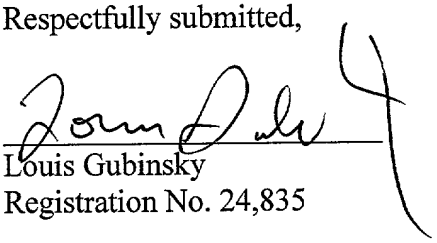
Applicant is filing concurrently herewith a Request for Interference with U.S. 6,228,875. As explained in the Request under 37 C.F.R. § 1.607, each of the above claims 10-14 corresponds to the proposed count.

In accordance with subparagraph (a) (5) of 37 C.F.R. § 1,607, the terms of claims 10-14, since said claims were not previously in the current application, are applied to the disclosure of the instant application in the Request for Interference. Accordingly, that information is not duplicated herein.

Also, as explained in the 37 C.F.R. § 1.607 request, Applicant is entitled to the benefit of grand-parent application 09/212,273 filed December 16, 1998 (now U.S. Patent 6,162,827), in turn a divisional application of U.S. serial No. 08/759,714 filed December 6, 1996 (now U.S. patent 5,854,286) for at least one embodiment within the proposed count and within Applicant's claims, thereby setting forth a prima faciae case of prior invention in relationship to the filing date of April 14, 1999 of U.S. patent 6,228,875. Indeed, Applicant's effective filing date of December 6, 1996 for at least one embodiment of the common invention is also prior to the provisional application filing date of April 14, 1998, the benefit of which has been claimed by the '875 patentee.

Applicant requests that an interference be declared in accordance with the Request under 37 C.F.R. § 1.607 filed concurrently herewith.

Respectfully submitted,



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Date: May 6, 2002

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 9 is canceled without prejudice or disclaimer.

Claims 10-14 are added as new claims.

10. A pharmaceutical composition comprising (i) at least one agonist of the glycine site of an NMDA receptor and (ii) a second therapeutic agent selected from the group consisting of antipsychotics, wherein

the agonist is selected from the group consisting of D-serine and a precursor of D-serine.

11. The pharmaceutical composition of claim 10 wherein the antipsychotic is selected from the group consisting of thioridazine, clozapine and chlropormazine.

12. A method for treating a psychosis characterized by dysfunction or dysregulation of NMDA neurotransmission in a patient, the method comprising administering to the patient diagnosed as suffering from the psychosis a therapeutically effective amount of an agonist of the glycine site of a NMDA receptor wherein the agonist is selected from the group consisting of D-serine and a precursor of D-serine.

13. The method of claim 12 wherein the psychosis is schizophrenia.

14. The method of claim 13 wherein the agonist is D-serine.